

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 10178 of 2004

Between:

Sri Kameswari Cine Enterprises Sy.No.55, Maddalapalem,
Visakhapatnam
Registered Partnership firm rep. by its Managing Partner
Perla Samba Murthy S/o. Late Vasudeva Rao age 42 Years.

.. PETITIONER

AND

- 1 Visakhapatnam Municipal Corporation Visakhapatnam, rep. by its
Commissioner.
- 2 The City Planner, Visakhapatnam Municipal Corporation,
Visakhapatnam.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate Writ or direction declaring the proceedings of the 1st respondent issued in UC.No. 408/04/ACP-II dated 16-6-2004 as illegal arbitrary and one without jurisdiction and consequently direct the 1st respondent not to interfere with the construction activity.

Counsel for Petitioner : MR.O.MANO HAR REDDY

Counsel for Respondents : MR.T.S.VENKATARAMANA

The Court at the stage of admission, made the following :

ORDER :

The writ petition is filed questioning the notice under section 452 of the H.M.C. Act in proceedings No. U.C.No. 408/04/ACP-II dated 16.6.2004.

The petitioner claims to have purchased the land in Sy.No.55/1A, 3-A2 of Maddipalem village, Visakhapatnam district and has made an application to the Joint Collector, Visakhapatnam for grant of no objection for reconstruction of twin AC theatres therein. The petitioner submits that he has made application for grant of exemption from clause 3(b) of Appendix-I of A.P. Cinema Regulations Rules and on the said application, Government has called for a report and thereafter has issued G.O.Ms.No.307 dated 8.10.2003 granting exemption from the above said clause 3(b). Petitioner further submits that the Joint Collector, Visakhapatnam, after taking into consideration the exemption granted by the Government, has approved the plans for construction of twin theatres vide his proceedings in (M) R.C.No.767/02/C1 dated 27.1.2004.

The learned counsel for petitioner submitted the petitioner has constructed the theatres in question by obtaining necessary approval and also submitted his explanation on 19-6-2004 to the impugned show cause notice. It is further stated that, without considering the explanation of the petitioner dated 19-6-2004 and without passing any orders thereon the respondents are illegally interfering in the matter and trying to demolish the theatres.

Heard the learned counsel for petitioner and the learned counsel for respondents.

In the circumstances, the writ petition is disposed of directing the respondents to consider all the objections raised by the petitioner vide explanation dated 19-6-2004 and pass a speaking order taking into consideration of the sanctioned plans issued by the Joint Collector, Visakhapatnam. Till such time, Status quo shall be maintained. No costs.

N.V.RAMANA, J

Dated: 23rd June 2004.

DA/TVK

To

- 1 The Commissioner, Visakhapatnam Municipal Corporation
Visakhapatnam.
- 2 The City Planner, Visakhapatnam Municipal Corporation,
Visakhapatnam.
- 3 Two CD copies.